

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MALIK AKEEM JONES,

Defendant.

**4:20CR3123**

**ORDER**

Defendant has moved for a review of the detention order and requests a hearing. (Filing No. 21). Under 18 U.S.C. § 3142(f) the magistrate judge may review detention only if “information exists that was not known to the movant at the time of the hearing and that has a material bearing” on the amelioration of the risks of nonappearance and safety. Motions for review of detention must specify the factual basis for the motion, the materiality of the facts to the issues, and that the information was not known previously.

Here, Defendant offers evidence in support of his claim that he is not a gang member; that he was a member of a music group, not a gang. (Filing No. 32). All such evidence existed and could have been presented at his prior detention hearing, which was held 3 days following his initial appearance. Moreover, Defendant requests release to live with his mother—an option that was presented and considered by the court at the detention hearing. See (Filing No. 6. at CM/ECF p. 7). Defendant has therefore not made a threshold showing that evidence “not known to the movant at the time of the [detention] hearing” supports reconsideration of my prior order of detention in favor of release.

Accordingly,

IT IS ORDERED:

- 1) Defendant’s motion to file under restricted status, (Filing No. 30), is

granted.

- 2) Defendant's motion to review detention, (Filing No. 31), is denied without a hearing.

Dated this 22nd day of January, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge